IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUAN LABOY ALMODAVAR, Plaintiff v. OFC. MATTHEW BLAKE, OFC. DONALD MORANT, OFC. STANLEY ROACHE, OFC. KURTIS MILLER, and OFC. GINDER, in their individual capacities, Defendants	: : : : : : : : : : :	 CIVIL ACTION NO. 08-2163 JURY TRIAL DEMANDED

DEFENDANTS' PROPOSED VOIR DIRE STATEMENT AND VOIR DIRE QUESTIONS

Defendants, by their respective counsel, Lavery, Faherty, Young & Patterson, P.C., hereby propose the following Voir Dire Statement be read to the jury at jury selection and the following questions be propounded to the jury pool:

STATEMENT OF THE CASE

Juan LaBoy Almodavar, the Plaintiff alleges that on June 9, 2006, in the City of Lancaster, at approximately 8:50 p.m. that he was a back seat passenger in a vehicle stopped by Police Officers Matthew Blake, Donald Morant, Stanley Roache, Kurtis Miller and Thomas Ginder.

The vehicle was driven by Manual Gonzales. Carlos Almodavar, Plaintiff's brother was the front seat passenger.

The dispute is over the manner in which he was removed from the vehicle. He seeks compensation for injuries allegedly sustained during the removal process and for matters that occurred later that evening at the Lancaster General Hospital.

Plaintiff claims he was deprived of his right under the Fourth and Fourteenth Amendments to the Constitution to be free from unreasonable and excessive force. He further claims that some or all of the individual Defendants failed to intervene to prevent the use of excessive force. He also asserts state law claims for assault and battery, and intentional infliction of emotional distress.

The Defendant officers deny all of these claims and assert that their conduct was reasonable, appropriate and in good faith and that Plaintiff is not entitled to any damages.

VOIR DIRE QUESTIONS

1. Have you read any newspaper or magazine accounts, or seen or heard any publicity about this case?

2. If there are affirmative responses to number 1 – which article(s) have you read or seen?

[AT SIDEBAR]

3. Police Officers Matthew Blake, Donald Morant, Stanley Roache, Kurtis Miller and Thomas Ginder were and are law enforcement officers employed by the City of Lancaster. Do you believe that law enforcement officers are more [or less] believable than other people?

4. Have you, member of your family, or a close friend ever been employed in law enforcement, or as a corrections officer, or received any training for such a job?

5. Have you or anyone close to you ever been a member of a group or organization dedicated to reforming our criminal justice system and/or advocating change to police operations?

6. Has anyone had a negative encounter with a member of the City of Lancaster's Police Department or any other police department?

7. Would the fact that government employed Police Officers Matthew Blake, Donald Morant, Stanley Roache, Kurtis Miller and Thomas Ginder cause you to view the case in anything but a fair and impartial manner?

8. Have you, or anyone in your immediate family or household ever been involved in a lawsuit?

a. If so, what was the nature of the suit and outcome?

9. Have you ever served on a jury before?

a. If so, what type of case was it and what was the outcome?

b. Is there any reason why that prior jury service would affect your ability to render a fair and impartial verdict in this case?

10. Have you or any close friend or family member ever been arrested, charged with a crime, or otherwise been involved with the criminal justice system?

[if so, we will discuss it privately]

11. Have you had any experiences as a juror or litigant, or had any contact with the Court system, that you believe may affect your feelings about this case, or your ability to decide on the evidence?

12. Would any of you be unable to return a verdict for the Defendants, if warranted by the evidence, due to a dislike of government or law enforcement officials?

13. Do any of you believe that the mere fact that the Plaintiff has filed a complaint against the Defendants alleging a violation of his constitutional rights, that the Defendants must have done something wrong and that plaintiff is entitled to a recovery of monetary damages?

14. The Plaintiff presents his case first, and the Defendants present their case after the Plaintiff's case is completed. Would you have any problem in not making a decision on any aspect of the case until you have heard all of the evidence presented by both sides?

15. Would you have any difficulty putting aside personal feelings about the individuals involved and deciding the case solely upon the evidence and instructions from the Judge?

16. Would you have any difficulty applying the laws instructed by the Judge even if you personally disagreed with the law?

Respectfully submitted,

Lavery, Faherty, Young & Patterson, P.C.

By: s/Robert G. Hanna, Jr.

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DATE: May 14, 2010

CERTIFICATE OF SERVICE

I, Cathleen A. Kohr, an employee with the law firm of Lavery, Faherty, Young & Patterson, P.C., do hereby certify that on this 14th day of May, 2010, I served a true and correct copy of the foregoing **DEFENDANTS' PROPOSED VOIR DIRE STATEMENT AND VOIR DIRE QUESTIONS,** via U.S. Eastern District Court's Electronic Case Filing System, addressed as follows:

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s/Cathleen A. Kohr
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This document has also been electronically filed and is available for viewing and downloading from the ECF system.